



Order Filed on December 7, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

Friedman Vartolo LLP  
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New York, New York 10004  
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T: (212) 471-5100  
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Attorneys for Fay Servicing, LLC as servicer for  
Wilmington Trust, National Association, not in its  
individual capacity, but solely as trustee for MFRA  
Trust 2016-1

In Re:

Peter M. Walsh  
Mary Walsh aka Mary Patti

Debtor(s)

Case No.: 18-16895-MBK

Chapter: 13

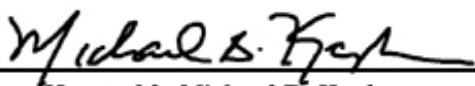
Hearing Date:

Hon. Judge:  
Michael B. Kaplan

**CONSENT ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT**

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby  
**ORDERED.**

**DATED: December 7, 2021**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant: Fay Servicing, LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2016-1

Applicant's Counsel: Friedman Vartolo LLP

Debtor's Counsel: Law Office of Eugene D. Roth

Property (Collateral): 237 Katie Lynn Court, Brick, NJ 08723

Relief Sought:

- Relief from Automatic Stay

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor(s) is/are overdue for 4 months, from August 1, 2021 to November 1, 2021.

☒ The Debtor(s) is/are overdue for 4 payments at \$3,529.90 per month.

☐ The Debtor(s) is/are due for \_\_\_\_\_ in accrued late charges.

☐ The Debtor(s) is/are due for \_\_\_\_\_ in attorney's fees and costs.

☒ Applicant acknowledges suspense funds in the amount of \$3,331.20.

Total Arrearages Due: \$10,788.40

2. Debtor(s) must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$3,529.90. #Payment shall be made no later than November 19, 2021.

☒ Beginning on December 1, 2021, regular monthly mortgage payments shall continue to be made.

☒ Beginning on December 15, 2021, additional monthly cure payments shall be made in the amount of \$806.50 for 9 months.

☐ The amount of \_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

#

3. Payments to the Secured Creditor shall be made to the following address:

Payments: Fay Servicing, LLC  
P.O. Box 81609  
Dallas TX 75381

4. In the event of default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than twenty-one (21) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorney's Fees:

The Applicant is awarded attorney's fees of \$400.00 and costs of \_\_\_\_\_.

The fees and costs are payable:

- ☐ Attorney's fees and costs have been included in the Consent Order.
- ☒ Through the Chapter 13 plan. The fees/costs shall be set up as a s  
separate claim to be paid by the Standing Trustee and shall be paid  
as an administrative claim.
- ☐ To the Secured Creditor within \_\_\_\_\_ days
- ☐ Attorney's fees are not awarded.
- ☐ Movant reserves its right to file a Post-Petition Fee Notice for fees  
and costs incurred in connection with the Motion for Relief.

The undersigned hereby consent to the form and entry of the foregoing order.

/s/ Eugene D. Roth, Esq.  
Eugene D. Roth, Esq.  
*Attorney for Debtor*

/s/ Jonathan Schwalb, Esq.  
Jonathan Schwalb, Esq.  
*Attorney for Secured Creditor*

In re:  
Peter M. Walsh  
Mary Walsh  
Debtors

Case No. 18-16895-MBK  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3  
Date Rcvd: Dec 08, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 10, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Peter M. Walsh, Mary Walsh, 237 Katie Lynn Court, Brick, NJ 08723-6353

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 10, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 8, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Elizabeth L. Wassall	on behalf of Loss Mitigation WELLS FARGO BANK ewassall@logs.com njbankruptcynotifications@logs.com;logsecf@logs.com
Elizabeth L. Wassall	on behalf of Creditor WELLS FARGO BANK N.A. ewassall@logs.com, njbankruptcynotifications@logs.com;logsecf@logs.com
Eugene D. Roth	on behalf of Debtor Peter M. Walsh erothesq@gmail.com

District/off: 0312-3

User: admin

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Date Rcvd: Dec 08, 2021

Form ID: pdf903

Total Noticed: 1

Eugene D. Roth

on behalf of Joint Debtor Mary Walsh erothesq@gmail.com

Jonathan C. Schwalb

on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee for MFRA Trust  
2016-1 bankruptcy@friedmanvartolo.com

Jonathan C. Schwalb

on behalf of Creditor Fay Servicing LLC as servicer for Wilmington Trust, National Association, not in its individual capacity,  
but solely as trustee for MFRA Trust 2016-1 bankruptcy@friedmanvartolo.com

Jonathan C. Schwalb

on behalf of Creditor Fay Servicing LLC bankruptcy@friedmanvartolo.com

Kevin Gordon McDonald

on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee for MFRA Trust  
2016-1 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11